

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

AUG 27 2007

[Signature]
CLERK

UNITED TRANSPORTATION UNION,

CIV 04-4101

Plaintiff,

vs.

ORDER REQUESTING
STATUS REPORT

DAKOTA, MINNESOTA & EASTERN
RAILROAD CORPORATION,

Defendant.

In a Memorandum Opinion and Order dated March 30, 2007, this Court determined that the crew consist situations presented on August 9, 2004, October 25, 2004, and November 28, 2005, constituted a minor dispute subject to compulsory and binding arbitration before the National Railroad Adjustment Board or an adjustment board established by DM&E and the Union. This Court also denied Union's Motion for Summary Judgment with regard to whether the Union is entitled to permanent injunctive relief in the dispute involving DM&E's use of qualified managers or the qualified managers of Cedar American to operate business or excursion trains over the rail lines of DM&E. The Court ruled, however, that Plaintiff could renew its motion with regard to a permanent injunction regarding the excursion train issue within six months of the date of the Memorandum Opinion and Order. Doc. 99. There have ben no documents filed since the issuance of the Memorandum Opinion and Order dated March 30, 2007, and a status report would be helpful to the Court. Accordingly,

IT IS ORDERED that within 10 days of the date of this Order each party submit a status report of what action has been taken in this case since March 30, 2007, and what future action the party anticipates being taken.

Dated this 27th day of August, 2007.

BY THE COURT:

[Signature]
Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *[Signature]*
DEPUTY